

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2017-CP-23-

RAYMOND DORICCHI,)
Plaintiff,)

-versus-

SUMMONS

COUNTY OF GREENVILLE,)
GREENVILLE COUNTY SHERIFF'S)
DEPARTMENT, STEVE LOFTIS, both in)
his official capacity as Sheriff of Greenville)
County, and individually, and JEREMY)
JONES, both in his official capacity as a)
deputy with the Greenville County Sheriff's)
Department, and individually,)
Defendants,)

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to make a written Answer to the Complaint in the above captioned action, a copy of which Complaint is herewith served upon you, and to serve a copy of your written Answer to the said Complaint upon the undersigned within thirty (30) days after service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, exclusive of the day of such service, judgment by default will be entered against you for the relief demanded in the Complaint.

[Signature page to follow]

s/J. Edward Bell, III
J. Edward Bell, III
Victoria S. H. Knight
BELL LEGAL GROUP, LLC
219 North Ridge Street
Georgetown, SC 29440
TEL.: (843) 546-2408
FAX: (843) 546-9604
ebell@edbelllaw.com
ATTORNEYS FOR PLAINTIFF

May 8, 2017
Georgetown, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE)	CIVIL ACTION NO.: 2017-CP-23-
RAYMOND DORICCHI,)	
)	
Plaintiff,)	
)	
-versus-)	COMPLAINT
)	(Jury Trial Demanded)
COUNTY OF GREENVILLE,)	
GREENVILLE COUNTY SHERIFF'S)	
DEPARTMENT, STEVE LOFTIS, both in)	
his official capacity as Sheriff of Greenville)	
County, and individually, and JEREMY)	
JONES, both in his official capacity as a)	
deputy with the Greenville County Sheriff's)	
Department, and individually,)	
)	
Defendants,)	
)	

The Plaintiff herein would respectfully show unto this Court:

PARTIES

1. The Plaintiff is an inmate currently incarcerated in the South Carolina Department of Corrections and is presently at Allendale Correctional Institution, Allendale, South Carolina.
2. County of Greenville ("County") is a governmental agency organized and existing under the laws of the State of South Carolina and within the meaning of the South Carolina Torts Claims Act at South Carolina Code Ann., Section 15-78-30(d). The County of Greenville operates a sheriff's department within the County of Greenville, State of South Carolina.
3. Greenville County Sheriff's Department ("Sheriff's Department") is a governmental agency organized and existing under the laws of the State of South Carolina and within the meaning of the South Carolina Torts Claims Act at South Carolina Code Ann., Section 15-78-30(d).

4. Upon information and belief, Steve Loftis is a resident of the County of Greenville, State of South Carolina, and was at all times pertaining hereto acting individually and under the color of state law as the Sheriff of Greenville County, State of South Carolina.

5. Upon information and belief, Jeremy Jones is a resident of the County of Greenville, State of South Carolina, and at all times pertaining hereto was acting individually and under the color of state law as a deputy sheriff employed by the County of Greenville and the Greenville County Sheriff's Department.

VENUE AND JURISDICTION

6. This action is brought pursuant to the South Carolina Tort Claims Act, South Carolina Code Ann., Section 15-78-10 *et seq.*, and U.S.C. Sections 1983 and 1988, and the Fourth Amendment to the United States Constitution, made applicable to Defendants through the Fourteenth Amendment to the United States Constitution.

7. The majority of actions and omissions for which claims are stated herein occurred in the County of Greenville, State of South Carolina; therefore, jurisdiction and venue are proper before this Court.

FACTS

8. On or about May 10, 2015, Plaintiff was walking along Highway 290 in the County of Greenville, State of South Carolina, along with a friend.

9. Plaintiff was carrying a machete in one hand and a dead snake in his other hand.

10. A Greenville County Sheriff's Deputy, who Plaintiff later learned was Jeremy Jones, pulled up and ordered him to drop the weapon, although there was no reasonable suspicion or probable cause the Plaintiff had committed a crime.

11. Plaintiff unwisely elected to run away from Deputy Jones and Deputy Jones chased after him, but Plaintiff then stopped and got down on the ground as ordered to by Deputy Jones.

12. Deputy Jones then put his knee in the Plaintiff's back and grabbed the Plaintiff's arm and pulled it behind his back with such force as to break the arm and handcuffed his arms behind his back.

13. At no time did the Plaintiff make any sudden movements or gestures that could be interpreted by Deputy Jones as aggressive or threatening nor did Plaintiff say or do anything that would cause Deputy Jones to fear imminent bodily harm

14. Plaintiff yelled in pain and Deputy Jones stated, "You shouldn't have run, you son of a bitch. I'm a professional arm bar fighter."

15. Plaintiff was transported by EMS to Greenville Memorial Hospital where he was examined and it was diagnosed that he had a broken arm and chipped bone. Plaintiff was informed at Greenville Memorial Hospital that he would require surgery on his arm and have screws placed in his arm.

16. Plaintiff was then taken to the Greenville County Detention Center where he was put in the medical ward where he stayed for about three (3) months.

17. Plaintiff's arm was x-rayed several times, saw a doctor several times, and was given pain medication while he was at the Greenville County Detention Center but he was never taken back to the hospital for surgery as ordered by the doctor at Greenville Memorial Hospital.

18. Plaintiff continues to suffer pain in his arm as a result of his injury and still cannot fully extend his arm. The extent of the damage to Plaintiff's arm because of the injury has not yet been fully ascertained.

19. Upon information and belief, Plaintiff believes that the pain and other difficulties he is still having with his arm are the result of the excessive force used by Defendant Jones and his not being returned to the hospital for surgery as ordered by the doctor at Greenville Memorial Hospital.

FIRST CAUSE OF ACTION

(Violation of the S.C. Tort Claims Act, S. C. Code Ann., Section 15-78-10 *et seq.*)

20. Each and every allegation contained herein above is reiterated herein as fully as if repeated herein verbatim.

21. At all relevant times, Defendant Jones was a deputy sheriff with the Greenville County Sheriff's Department and was acting within the course and scope of his employment with the Greenville County Sheriff's Department.

22. Defendants Greenville County and the Greenville County Sheriff's Department are liable for injuries sustained by the Plaintiff as a result of the injuries to the Plaintiff which were proximately caused by the wrongful acts of the Defendant Jones.

23. The Plaintiff's physical injury was a direct and proximate result of the gross negligence of Defendant Jones in the use of excessive force.

24. As a direct and proximate result of the grossly neglect and reckless acts of the Defendants, the Plaintiff was injured and damaged in ACTUAL AND CONSEQUENTIAL DAMAGES.

SECOND CAUSE OF ACTION

(42 U.S.C. Section 1983 – Excessive Force in Violation of the Fourth and Fourteenth Amendments)

25. Each and every allegation contained herein above is reiterated herein as fully as if repeated herein verbatim.

26. Defendant Jeremy Jones, at all times relevant hereto, was acting under the color of state law in his capacity as a Greenville County Deputy Sheriff and his acts or omissions were conducted within the scope of his official duties or employment.

27. At the time of the complained of events, Plaintiff had the clearly established Constitutional right under the Fourteenth Amendment of the United States Constitution to be free from excessive force by law enforcement.

28. The right to be free from excessive force was known or should have been known to the Defendant Jones at the time of the incident.

29. Defendant Jones' actions and use of force was unreasonable in light of the facts and circumstances confronting him, and his actions were malicious and/or involved reckless, callous and deliberate indifference to the Plaintiff's federally protected rights.

30. Defendant Jones is not entitled to qualified immunity for the complained of conduct.

31. As a proximate result of the Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer physical and emotional injuries, and other damages, in amounts to be determined at trial. Furthermore, Plaintiff has incurred or will incur special damages, including medically related expenses.

32. Upon information and belief, Plaintiff may suffer lost future earnings and impaired earning capacities from the permanent injury to his arm.

33. In addition to compensatory, economic, consequential and special damages, Plaintiff is entitled to attorney fees and costs pursuant to 42 U.S.C. Section 1988 and also punitive damages against each of the individually named Defendant under 42 U.S.C. Section

1983, in that the actions of the individual Defendant were malicious, willful or with a reckless and wanton disregard of the Plaintiff's constitutional rights.

AS A THIRD CAUSE OF ACTION

(Violation of 42 U.S.C. Section 1983 – Deliberate Indifferent Policies, Practices, Customs, Training, and Supervision in violation of the Fourth and Fourteenth Amendments and in violation of 42 U.S.C. Section 1981)

34. Each and every allegation contained herein above is reiterated herein as fully as if repeated herein verbatim.

35. Plaintiff had the following clearly established rights at the time of the complained of incident, to wit: the right to be secure in his person to be free from excessive force by law enforcement officers.

36. Defendants Steve Loftis, in his official capacity as the Sheriff of Greenville County at the time of the incident and individually, and Defendants County of Greenville and Greenville County Sheriff's Department were, at all times relevant hereto, policymakers for the County of Greenville and Greenville County Sheriff's Department, and in that capacity established policies, procedures, customs, and/or practices for the same.

37. Defendant Steve Loftis, in his official capacity as the Sheriff of Greenville County at the time of the incident and individually, failed to properly train and supervise individual Defendant Jeremy Jones, and, therefore, acted with deliberate indifference to the Plaintiff's rights by failing to conduct sufficient training or supervision with respect to the constitution limitations on the use of force and by failing to adequately punish unconstitutional uses of force.

38. As a proximate result of the Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer physical and emotional injuries, and other damages, in amounts to be

determined at trial. Furthermore, Plaintiff has incurred or will incur special damages, including medically related expenses.

39. Upon information and belief, Plaintiff may suffer lost future earnings and impaired earning capacities from the permanent injury to his arm.

40. In addition to compensatory, economic, consequential and special damages, Plaintiff is entitled to attorney fees and costs pursuant to 42 U.S.C. Section 1988 and also punitive damages against each of the individually named Defendants under 42 U.S.C. Section 1983, in that the actions of the individual Defendants were malicious, willful or with a reckless and wanton disregard of the Plaintiff's constitutional rights.

WHEREFORE, having fully set forth the grounds of his complaint, Plaintiff prays for judgment against the Defendants:

- A. For ACTUAL and CONSEQUENTIAL damages;
- B. For PUNITIVE DAMAGES on all claims allowed by law against individual Defendants;
- C. For ATTORNEY FEES AND COSTS associated with this action under 42 U.S.C. Section 1988;
- D. For such other and future relief as this Court may deem appropriate.

[Signature page to follow]

May 8, 2017
Georgetown, South Carolina

s/J. Edward Bell, III
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Victoria S. H. Knight
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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

RAYMOND DORICCHI #319523,

Plaintiff,

vs.

COUNTY OF GREENVILLE,
GREENVILLE COUNTY SHERIFF DEPT,
STEVE LOFTIS, both in his official
capacity as Sheriff of Greenville County,
and individually and Jeremy Jones, both
in his official capacity as a deputy with
the Greenville County Sheriff
Department and individually,

Defendants.

IN THE COURT OF COMMON PLEAS

2017-CP-23-03043

ACCEPTANCE OF SERVICE

The undersigned Defendant, hereby accepts and acknowledges the due personal service of the Summons and Complaint for Sheriff Steve Loftis of the Greenville County Sheriff Department, upon the undersigned on this 6 day of June 2017 at the address 4 McGee Street, Greenville, SC 29601 and the receipt of a true copy is hereby acknowledged.

Wesley Smith
Signature

Sworn to before me this 6TH
day of JUNE 2017

Laura M. Pika
Notary Public for South Carolina
My Commission Expires: 4-28-2020

Wesley Smith
Title: Legal Investigator/GCSO
Address: 301 University Ridge
Suite 5200
Greenville, SC 29601

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
RAYMOND DORICCHI #319523,

Plaintiff,

vs.

COUNTY OF GREENVILLE,
GREENVILLE COUNTY SHERIFF DEPT,
STEVE LOFTIS, both in his official
capacity as Sheriff of Greenville County,
and individually and JEREMY JONES,
both in his official capacity as a deputy
with the Greenville County Sheriff
Department and individually,

Defendants.

IN THE COURT OF COMMON PLEAS

2017-CP-23-03043

ACCEPTANCE OF SERVICE

The undersigned, hereby accepts and acknowledges the due personal service of the Summons and Complaint for Greenville County, upon the undersigned on this 30th day of May 2017 at the address 301 University Ridge, Greenville, SC 29601 and the receipt of a true copy is hereby acknowledged.

Signature

Sworn to before me this 30th
day of May, 2017

Gloria Berry
Notary Public for South Carolina
My Commission Expires: 9-7-2026

JOSEPH M. KERNELL
Greenville County Administrator

Title: _____
Address: _____

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
RAYMOND DORICCHI #319523,

Plaintiff,

vs.

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Wesley Smith
Signature

Sworn to before me this 6th
day of JUNE 2017

James M. Lister
Notary Public for South Carolina
My Commission Expires: 4-28-2020

Wesley Smith
Title: Legal Investigator / GCSO
Address: 301 University Ridge
Suite 5200
Greenville, SC 29601

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
RAYMOND DORICCHI #319523,

Plaintiff,

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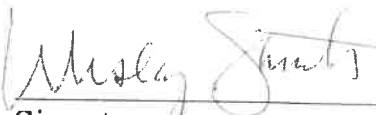
Defendants.

IN THE COURT OF COMMON PLEAS

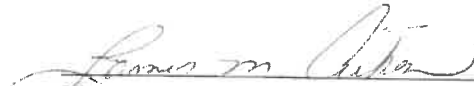
2017-CP-23-03043

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Sworn to before me this 6TH
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Notary Public for South Carolina
My Commission Expires: 4-28-2020

Wesley Smith
Title: Legal Investigator - GCSO
Address: 301 University Ridge
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Greenville, SC 29601